

The Ins and Outs of How to Run a Meeting

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- Room Arrangement
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- Plan Acceptance - Process and the Meaning of “Public Meeting”
- Site Vists

Topics to Be Covered – Page 2

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- Public Hearings
- Questions – Rhetorical/Informational
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Topics to be Covered – Page 3

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Land Use Board Must have Bylaws

- RSA 676:1, every local land use board must have bylaws
- <http://nh.gov/oep/resourcelibrary/referencelibrary/p/planningboard/documents/pbhandbook.pdf>
- Should contain standard agenda prescribing flow of meeting

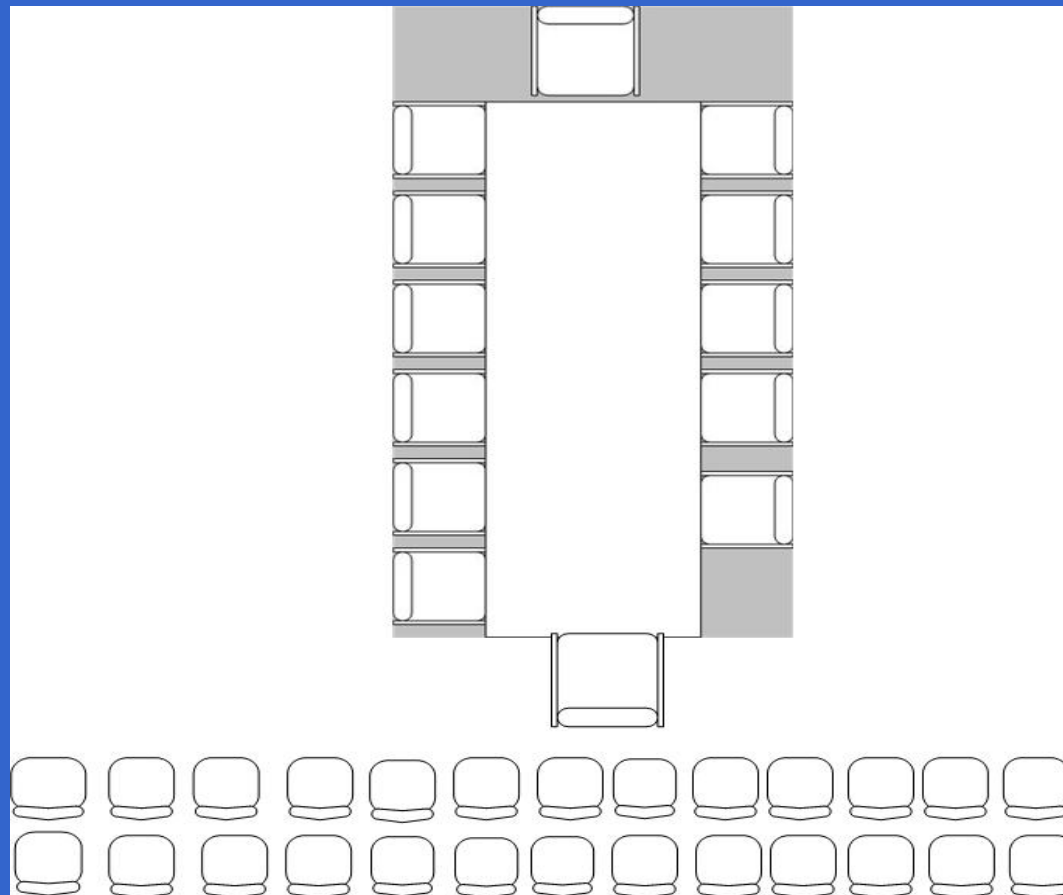
Good Meeting Begins Before Meeting

- Bylaws delegate to Chair duty/ability to set agenda and control addition of new items
- Provide for one week prior to meeting information submission deadline
- Mail all received information to board members Friday before meeting

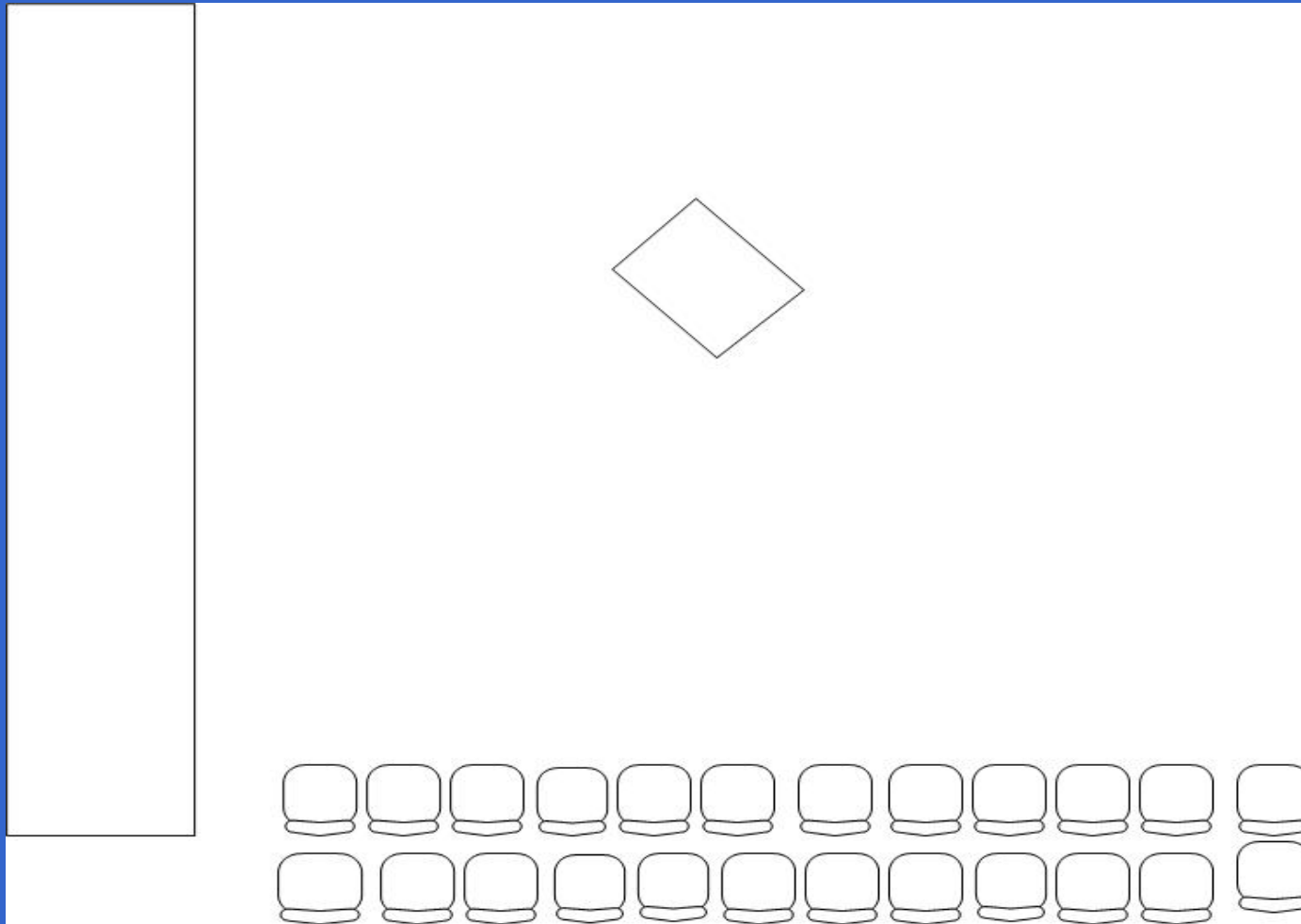
Frequency of Meetings/Quorum

- ZBA meetings mainly dictated by applications
- Planning Board must hold meetings once per month. RSA 673:10 (III)
- Quorum is majority of membership of land use board

Room Arrangement Can make a Difference



Consider an Alternative Room Arrangement



Role of the Chair

- Job is to get the agenda completed
- Leave everyone feeling as if they have been heard
- Be as neutral as possible
- Only vote in the event of a tie
- Be firm and use humor when appropriate

Well Begun is Half Done

- Start on time
- Have Chair stand up and announce meeting has begun
- Have copies of agenda and bylaws at entrance to meeting room
- Have all board members and staff introduce themselves and state address
- Have all cell phones and digital devices turned off

Plan Acceptance – Process and the meaning of “Public Meeting”

- Recommend you listen to project presentation and accept information from abutters
- *DHB v. Pembroke*, 152 NH 314 (2005) 676:4 does not require letting applicant be heard unless bylaws so provide
- Applicant, board questions, abutter input or questions, back to board, vote on acceptance, determine what reports required, set time for site visit

Site Visits

- Secure permission for attendance by abutters and board members
- Ensure centerline of road or outline of building are staked in field beforehand, including wetlands
- Walk centerline of road with applicant's engineer/surveyor available to explain elements of project and to answer questions
- Let anyone ask questions or offer information
- Record the meeting in minutes of board afterward – Right to Know compliance.

Setting limitations on presentations and Duration of Meeting

- During plan acceptance or public hearing, establish time limit for applicant presentation, but allow to be uninterrupted (10 – 15 minutes)
- Public hearing testimony by abutters – gently try to get those who have not spoken to indicate they agree with a prior speaker or use opposition/support slips like NH Legislature Committees
- Establish rule will not begin new matter after 10:30pm (or 10:00pm or 11:00pm)

Public Hearings

- Chair summarizes status of application (engineering reports rec'd, prior actions by board on waivers, etc., preliminary approval)
- Permit update by applicant
- Questions by board members
- Open public hearing, stand up, speak up and then shut up
- Require all speaking state name and address
- ZBA Chair and Building Code Board of Appeal Chair can administer oaths -- also can issue subpoenas. RSA 673:15

Questions – Rhetorical/Informational

- Questions from abutters concerned citizens that are really statements – acknowledge and ask if member or board can reply, but make clear by Chair reply is courtesy
- Questions from abutters/concerned citizens seeking information – do your best to get the answers from applicant, applicant's engineer, town staff or board members

Effect of Closing Public Hearing – New information

- Public hearing closed, but new information is being submitted from applicant, but board ready for vote
- Must board reopen and have new public hearing to permit a better comment on new information submitted by applicant
- Problem of endless reopening of public hearings

Role of Preliminary Approval

- Planning Board approvals can be complex
- Allows Board to address matters in stages
- Grant waivers and other permissions prior to final approval
- Scales back scope of what has to be considered at time of final approval (or denial)

Disorder and Meeting Control

- Applicant, members of the audience and board members are obligated to observe meeting decorum
- Chair has authority to order removal of any person from meeting room for refusing to come to order
- *State v. Dominic*, 117 NH 573 (1977)

Disqualification of Members

- Must be raised by applicant or other interested party to permit action by member or board (e.g., before hearing or vote). See, *Fox v. Greenland*, 151 NH 600(2004)
- 673:14 permits advisory vote by board, before public hearing, is non-binding, and can only be requested by affected member
- When in doubt, recuse yourself
- Recused members leave the table, better yet, leave the room.

Voting

- Chair selects alternates if necessary, RSA 673:11
- But, only designated selectmen's alternate may sit in place of selectmen's representative.
- Voice vote, and if necessary, by show of hands

Abstentions

- Members who abstain cannot do so to prevent existence of quorum
- Members should vote and only abstain when there is a good reason (e.g., failure to be present at all meetings, etc.)
- Abstention will be taken as acquiescence or concurrence in the action supported by the majority of votes cast, whether in the affirmative or the negative. *Opinion of the Justices*, 98 NH 530 (1953)

Written Decisions – RSA 676:3(I)

- Must issue written decisions
- If denial of application, land use board must state written reasons for decision
- Solicit proposed conditions of approval from staff, applicant, even abutters and members of public
- Board members must actively participate

Joint Land Use Board Meetings

- Each board must have joint meeting rules
- If Planning Board involved, Planning Board Chair is chair of joint meeting
- Each involved board renders its own decision.

Final Thoughts

- It is your meeting, not the applicant's or the abutter's
- Treat applicants, abutters and members of public like invited guests
- Chairperson is important, but just as important is the active involvement of all board members
- Remember that the energy and attention of volunteer board members is a precious and increasingly scarce resource.